



3637  
#22

IN THE PATENT AND TM OFFICE

Appn. Number: 09/396,128

Art Unit: 3637

Filing Date: 09/14/99

Applicant: Thompson, Thomas C.

Appn. Title: Hurricane-Earthquake Frieze Plate

Examiner: Tran, Hanh V.

Mailed March 31, 2003

AMENDMENT E

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

In response to the Notice of Abandonment mailed 3/12/03, I have included in this response the following:

1. Response to why the application should not be abandoned.
2. Copy of the applicant's response mailed on 10/26/03<sup>02</sup>. This includes a certificate of mailing that was signed on 10/26/03.<sup>02</sup>
3. Copy of canceled check that the PTO cashed for one month extension of time.
4. Copy of postcard that the PTO returned to the applicant.
5. Certificate of mailing.
6. Postcard.

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Very respectfully,

*Thomas C. Thompson*  
Thomas C. Thompson

## RESPONSE

1. The applicant respectfully requests that application 09/396,128 not be abandoned for the following reasons. The applicant has two applications on file with the examiner, Hanh V. Tran. The present application, 09/396,128, and also 09/887,046. The examiner allowed claims for 09/887,046 and the applicant faxed a response on 1/30/03 to change several words in the claims.
2. On the present application, 09/396,128, the applicant requested a one month extension for answering the office action mailed on 6/26/02. The applicant mailed out a response on 10/26/02. Included in that 18-page response were: a certificate of mailing, a check for \$55, and a postcard. The applicant is including in this response a copy of the 18-page response with the certificate of mailing that was signed and dated on 10/26/02. The applicant is also including a copy of the applicant's check #221, that was cashed by the PTO on 11/12/02. The applicant is also including a copy of the postcard that shows the PTO mail room received the applicant's response on 11/04/02.
3. The applicant understands in this age of terrorism that some mail will be lost. But with the enclosed certificate of mailing, canceled check, and stamped postcard, it appears that the PTO received the applicant's response in a timely matter and was lost in the PTO. Therefore, application 09/396,128 should not be abandoned. The applicant respectfully requests that the examiner be allowed to respond to the enclosed response, that was mailed in good faith on 10/26/02.
4. **Certificate of Mailing:**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
on MARCH 31, 2003 (date)

Typed or printed name of person signing this certificate:

Thomas C. Thompson  
Signature: Thomas C. Thompson

Thomas C. Thompson  
92-543 Kokole Pl.  
Makakilo, HI 96707  
(808) 672-3107

Very respectfully,

Thomas C. Thompson



# Notice of Abandonment

Application No.

09/396,128

Examiner

Hanh V. Tran

Applicant(s)

THOMPSON, THOMAS

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 June 2002.
  - (a) ☒ A reply was received on 05 February 2003 (with a Certificate of Mailing or Transmission dated 28 January 2003), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 12/26/02.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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*Hanh V. Tran*  
3/10/03

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,128	09/14/1999	THOMAS THOMPSON		7005

7590 03/12/2003

THOMAS THOMPSON  
92-543 KOKOLE PLACE  
MAKAKICO, HI 96707

EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 03/12/2003



Please find below and/or attached an Office communication concerning this application or proceeding.

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Sofia  
Photo by Vince Cavataio

ENCLOSED CK  
① #221 FOR \$55.00  
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② 18 pg of text

3 CERTIFICATE OF  
MAILING FOR

09/396,128

ISLAND HERITAGE  
PUBLISHING



TOM THOMPSON  
92-543 KOKOLE PL  
MAKAKICO, HAWAII

96707

1054 U.S. PTO



11/04/02

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THOMAS C. THOMPSON  
92-543 KOKOLE PL  
MAKAKILO, HI 96707

59-7076/3213  
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Oct 25, 2002

210492354 170 3512 3839

PAY to the ORDER of Commissioner of Patents \$ 55.00  
Fifty five dollars DOLLARS

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MEMO 09/396,128 Thomas Thompson

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11-06-2002  
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